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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

Applicants: Raja Chatterjee et al.

Serial No. 09/496,086

Filed: February, 1 2000

**Title: Methods and Apparatus for Indexing
and Searching of Multi-Media Web Pages**

) **Before the**
) **Board of Patent Appeals**
) **and Interferences**

) **Examiner Peter J. Smith**
) **Art Unit 2176**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

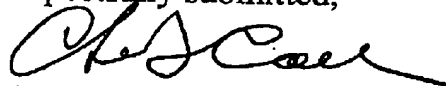
Dear Sir:

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Respectfully submitted,



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Dated: September 24, 2005

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Dear Sir

APPELLANTS' BRIEF

Real party in interest

The real party in interest is Oracle International Corporation, 500 Oracle Parkway,
Redwood Shores, CA 94065 USA.

Related appeals and interferences

None.

Status of claims

Claims 1-17 are pending and have been finally rejected and are appealed.

Status of amendments

No amendments were filed subsequent to final rejection.

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Summary of claimed subject matter

The present invention takes the form of methods and apparatus for indexing the multimedia content of Web pages using conventional text-based Internet indexing and searching facilities. A Web page to be indexed is processed to identify media incorporated by reference into that Web page and to extract information describing the media data thus identified from the referencing Web page, from the media file itself, and from other sources. The extracted information is then inserted as text annotations into a copy of the original Web page to produce an enhanced Web page which may then be processed in the normal way by conventional text-based Internet indexing and searching facilities.

Independent claims 1, 6, 8, and 10 expressly define subject matter which the Examiner concedes is not disclosed by cited Nelson et al. Patent 6,243,713 (hereinafter "Nelson"). These claims are reproduced below with added citations to representative portions of Appellants' specification and drawings describing corresponding structure or acts.

1. Apparatus for indexing a Web page [*page 4, lines 4-6*] which incorporates multimedia data [*page 3, lines 24-27*] by reference to one or more resources [*page 4, lines 9-15; page 5, lines 4-13*] which supply said multimedia data, said method comprising, in combination:

means for analyzing said web page to identify at least one markup tag containing a reference to a given one of said resources [*Fig. 1 at 13; Fig. 2 at 35 and 38; page 2, lines 16-18; page 6, lines 13-20; page 7, line 13 to page 8, line 5*],

means for selecting and executing a media processing program for analyzing the content of the multimedia data supplied by said given one of said resources to generate metadata describing said content [*Fig. 1 at 15, 16 and 17; Fig. 2 at 40; page 2, line 25 to page 3, line 5; page 8, line 24 to page 13, line 23*];

means for formatting said metadata into a character-based text annotation, [*Fig. 1 at 20; Fig. 2 at 42; page 3, lines 6-8; page 11, lines 10-20*]

means for combining said Web page and said annotation to form an enhanced Web page, [*Fig. 1 at 22; Fig. 2 at 46; page 2, lines 19-23; page 3, lines 8-10; and page 6, lines 2-5*] and

means for indexing said enhanced Web page. [*Fig. 1 at 25; Fig. 2 at 50; page 2, lines 21-22; page 3, lines 10-11; page 6, lines 5-10 and lines 22-23; page 6, line 25 to page 7, line 5; and page 13, line 24 to page 14, line 7*]

4. (currently amended) Apparatus as set forth in claim 1 including means for acquiring additional metadata which describes the multimedia data supplied by said given one of said resources from a source other than the content of said multimedia data, and means for including said additional metadata in said character-based text annotation. [page 2, line 19; page 3, lines 2-5; page 8, lines 11-23]

6. Apparatus as set forth in claim 4 wherein said given resource is accessed through the operating system of a computer which provides said given resource and wherein at least some of said additional metadata includes information obtained from said operating system. [page 3, lines 2-5; page 8, lines 19-23]

8. Apparatus for collecting and storing metadata describing a hypertext Web page [page 4, lines 4-6], said Web page including markup tags which identify multimedia data from one or more different external resources [page 4, lines 9-15; page 5, lines 4-13], said apparatus comprising, in combination,

a parser for identifying said markup tags in said Web page, [page 7, line 13 to page 8, line 10]

processing means for analyzing the content of said multimedia data identified by said markup tags to generate metadata describing said multimedia data, [Fig. 1 at 15, 16 and 17; Fig. 2 at 40; page 2, line 25 to page 3, line 5; page 8, line 24 to page 13, line 23]

means for translating said metadata into a character-based text annotation describing said multimedia data, [Fig. 1 at 20; Fig. 2 at 42; page 3, lines 6-8; page 11, lines 10-20] and

means for storing the combination of a copy of said Web page and said annotation to form an enhanced Web page suitable for processing by text-based indexing and searching facilities. [Fig. 1 at 22, 25; Fig. 2 at 46, 50; page 2, lines 19-23; page 3, lines 8-11; and page 6, lines 2-5, lines 5-10 and lines 22-23; page 6, line 25 to page 7, line 5; and page 13, line 24 to page 14, line 7]

10. The method of automatically enhancing the content of a Web page which contains multimedia data incorporated by reference [page 4, lines 9-15; page 5, lines 4-

13], which comprises, in combination, the steps of:

identifying one or more markup tags in said Web page which respectively identify one or more external resources which provide said multimedia data; [Fig. 1 at 13; Fig. 2 at 35 and 38; page 2, lines 16-18; page 6, lines 13-20; page 7, line 13 to page 8, line 5]

generating metadata which describes said multimedia data, [Fig. 1 at 15, 16 and 17; Fig. 2 at 40; page 2, line 25 to page 3, line 5; page 8, line 24 to page 13, line 23]

translating said metadata into a character-based text annotation, [Fig. 1 at 20; Fig. 2 at 42; page 3, lines 6-8; page 11, lines 10-20] and

inserting said annotation into said Web page to form an enhanced Web page suitable for processing by a character-based text processing system. [Fig. 1 at 22, 25; Fig. 2 at 46, 50; page 2, lines 19-23; page 3, lines 8-11; and page 6, lines 2-5, lines 5-10 and lines 22-23; page 6, line 25 to page 7, line 5; and page 13, line 24 to page 14, line 7]

Grounds of rejection to be reviewed on appeal

In the Office Action mailed on April 26, 2005, independent claims 1, 8 and 10, and dependent claims 2, 4-7, and 11-17 were rejected as being directed to subject matter deemed to be obvious in view of Nelson. Claims 3 and 9 were rejected as being directed to subject matter deemed to be obvious over Nelson considered with Mohan et al. Patent 6,748,382 (hereinafter "Mohan"). The present appeal seeks review of the rejection of the three independent claims 1, 8 and 11 (and hence also the rejection of remaining dependent claims which include the limitations of the independent claims).

Ground 1 (Independent claims 1, 8 and 10): The Examiner concedes that Nelson does not disclose combining a Web page that incorporates multimedia data by reference with a text based annotation derived from and describing that multimedia data, thereby forming an enhanced Web page, but the Examiner contends that it would have been obvious to one of ordinary skill to modify the system described by Nelson to perform that claimed function.

Ground 2 (Dependent claims 6): The Examiner concedes that Nelson does not teach acquiring at least some of the metadata describing multimedia data from the operating system that provides the multimedia data rather than from the content of the

multimedia data, but the Examiner contends that it would have been obvious to one of ordinary skill to modify the system described by Nelson so that it performed that claimed function.

Argument

The applicable law

The two grounds for rejection presented for review by this appeal are both based on the Examiner's conclusion that it would have been obvious to one of ordinary skill to modify the system described by Nelson to incorporate subject matter not disclosed by Nelson. The applicable law governing such rejections for obviousness is well stated in Sections 2143-2143.01 of the M.P.E.P. and relevant passages from those sections are reproduced below for ease of reference.

"2143 Basic Requirements of a *Prima Facie* Case of Obviousness

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." [M.P.E.P. §2143]

"2143.01 Suggestion or Motivation To Modify the References [R-2]

THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE CLAIMED INVENTION

There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the

references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obvious was held improper.). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)."

FACT THAT REFERENCES CAN BE COMBINED OR MODIFIED IS NOT SUFFICIENT TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) * * * Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992)

THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)" [M.P.E.P. §2143.01]

Ground 1 (Independent Claims 1, 8 and 10)

In the Office Action mailed on August 30, 2004, at page 4, the Examiner explained his rejection of the independent claims in view of Nelson as follows:

"Nelson does not teach combining the Web page and the generated annotation (Nelson calls it a token) to form an enhanced Web page. As stated earlier, Nelson does teach that all of the tokens extracted from a particular document are linked to that document through use of a unique document ID in col. 15 lines 24-36. Therefore, tokens of text, image, video, audio, and other data are all linked together to represent a single document through use of the unique document ID. Thus, this is essentially the same in function, but only similar in form to the claimed limitation. It would have been obvious to one of ordinary skill

in the art at the time the invention was made to have modified Nelson to have created the claimed invention. It would have been obvious and desirable to have modified Nelson to have inserted the token representations of image, video, audio, and other multimedia components into the text of the multimedia document so that the text did not have to be processed, thus allowing the extraction software design to be simpler."

In the response mailed on January 31, 2005, at page 7, Appellants' advanced three reasons why the modification of Nelson proposed by the Examiner would not have been obvious as follows:

"(1). The suggested modification would not allow the extraction software to be simpler as suggested by the Examiner. The step of extracting descriptive character based tokens (e.g. the speech recognition step for audio media data) would need to be performed either way, and placing the tokens into the original document would not eliminate or simplify the token extraction software;

(2) In Nelson's system, the tokens need to be placed into the index to permit retrieval, but there is no need in Nelson's system to also place the tokens in the original Web page, and to do so would require that the Web page be rewritten and the resulting annotated Web page would consume more space, without serving any useful purpose.

(3) Applicants' invention permits Web pages to indexed and searched by existing automated search engines ("Web crawlers" or "spiders") such Google, Yahoo, etc., whereas Nelson teaches the use of proprietary indexing and search scheme. Applicant's invention thus (a) completely eliminates the need to design and deploy a new indexing and search system and (b) makes the Web pages that are automatically annotated using applicants' invention searchable at by using existing popular Web search facilities.

It is submitted that there is nothing in the disclosure of Nelson that suggests applicants' invention as claimed, and one of ordinary skill in the art would have no reason (absent applicants' disclosure) to modify the Nelson indexing and search system so that it annotated the original Web pages being indexed with metadata extracted from referenced media data."

In the final rejection mailed on April 26, 2005, the Examiner did not dispute the arguments above that demonstrate why one skilled in the art would not be motivated to make the proposed modification in order "to allow the extraction software to be simpler" as stated earlier. Instead, in his "Response to Arguments" at page 11 of the final rejection, the Examiner advanced the following new basis for contending that the proposed modification of Nelson would have been obvious:

"Nelson parses the media content and generates tokens describing the media content and associates the tokens with the parent document as is described in fig. 8-9 and col. 14 line 56 – col. 15 line 58. The difference is that the tokens are maintained separately and have an associative link to the document from

which they were created. The documents which Nelson parses and indexes can be HTML web documents. The HTML specification provides for meta-tag annotation of the document to provide existing popular Web search facilities with a way to automatically index such documents. Since Nelson teaches how to extract character-based annotation data from the multimedia components of the web page, the Examiner believes it would have been obvious to have recombined the extracted character data with the Web page using the HTML annotation meta-tags capability. Thus, the Examiner maintains the rejection of the claimed invention as being obvious over the teachings of Nelson."

While the HTML specifications, cited at page 4, lines 16-23 of Appellants' specification, do "provide for meta-tag annotation of the document to provide existing popular Web search facilities with a way to automatically index such documents" as noted by the Examiner, the Examiner points to nothing in the HTML specifications that suggests that character-based annotation data extracted from the multimedia components of a Web page should be inserted into that Web page to form an enhanced Web page as claimed. That suggestion is found in only in Appellants' disclosure.

Nelson plainly fails to suggest that conventional text-based indexing systems could be or should be used to index the multimedia data imbedded by reference in Web pages. Indeed, Nelson instead teaches that conventional text-based indexing systems are inadequate for indexing multimedia data, and teaches instead that the Nelson multimedia indexing system should be employed instead to handle Web pages that include multimedia data. Since clearly Nelson "teaches away" from using conventional text based indexing to handle compound Web pages that incorporate multimedia, and since there is no suggestion at all in the HTML specification that meta tags can or should be used to describe a Web page's multimedia components, there is simply nothing in the cited prior art relied upon by the Examiner that suggests, or would motivate one skilled in art to attempt, the modification of the Nelson system that the Examiner asserts to be obvious.

There is nothing in the HTML specifications that would motivate one skilled in the art to modify the Nelson system to rewrite Web pages to include metadata describing a page's media data components. If for some reason (not found in the prior art) one skilled in the art might consider such a modification, there are only two possible ways the modified Nelson indexing system might work: Either the metadata extracted from the media data would be placed in the original Web page (1) instead of being placed in Nelson's inverted file multimedia index, or (2)

the metadata would be placed in the Web page in addition to being placed in Nelson's multimedia index. But a closer look reveals that neither modification would make engineering sense.

The first approach, placing the extracted multimedia metadata into the Web page as meta-tags instead of placing it into Nelson's inverted file multimedia index, would render the Nelson system inoperable. The robust functions which the Nelson system performs simply won't work unless the extracted metadata is placed in the disclosed multimedia index structure which Nelson uses to respond to compound multimedia queries. Since modifying Nelson to place the metadata into the original Web page instead of into the structured index would render the Nelson system unsatisfactory for its intended purpose, it plainly cannot be said that one skilled in the art would be motivated to modify the Nelson system in that way. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

One skilled in the art would likewise not be motivated try the second approach; that is, to modify the Nelson system so that it stored the extracted metadata in both the original Web page and in the structured index. Because the Nelson system can more rapidly perform any needed indexed search using its structured index as disclosed by itself, there is simply no useful purpose to be served in also rewriting the original Web pages, particularly in view of the fact that the annotated Web pages would consume more storage space. The Nelson system is capable of performing all of the search functions that text-based indexing system can perform, and further has the ability to perform special purpose query functions that cannot be performed using conventional text based indexing systems. For example, because Nelson's structured index includes not only tokens but also information about the position of multimedia components within each Web page, Nelson's structured index makes it possible to perform additional positional compound queries (for example, a search for the word "beach" within 10 words of an image of a sunset as described by Nelson at col. 3, lines 9-12). One of ordinary skill would thus not be motivated to also place in the original Web page and then index that enhanced Web page with conventional text-based indexing systems since, as Nelson teaches, those conventional systems do nothing that Nelson's indexing system can't do, have shortcomings that Nelson's "unified index" system is said to overcome, and require the larger rewritten Web pages that take up more space.

Ground 2 (Dependent claims 6)

While the Examiner concedes that Nelson does not teach the subject matter recited in claim 6, acquiring at least some of the metadata describing multimedia data from the operating system that provides the multimedia data rather than from the content of the multimedia data, the Examiner contends that it would have been obvious to one of ordinary skill to modify the system described by Nelson so that it performed that claimed function. At page 12 of the final rejection, the Examiner states "the Examiner believes it would have been advantageous to have acquired data through the operating system for components dependent on particular hardware configurations and thus believes Nelson would have been modified to specifically acquire such metadata."

But nothing in the cited references suggests that metadata about multimedia components could or should be acquired from the operating system. Appellants agree of course that it is advantageous to do that. The operating system's file system, for example, contains information about the size and creation dates of the referenced multimedia files, and this kind of metadata would be advantageous to include in the enhanced Web page. But Nelson does not teach getting metadata from the operating system, and that fact, coupled with the fact that "it would have been advantageous" to do so as stated by the Examiner, suggests that doing so was not obvious to Nelson. The rejection of claim 6 for obviousness is not justified by any teaching or suggestion in the prior art, and the Examiner has pointed to no such teaching. The rejection of claim 6 should be reversed.

Conclusion

There is no hint or suggestion of Appellants' invention as claimed anywhere in the Nelson teaching, or in the HTML specification. Neither Nelson nor the HTML specification suggests extracting metadata describing the multimedia components referred to in a Web page and placing that metadata back into that Web page to yield an enhanced Web page that can be searched by conventional Internet search facilities. One skilled in the art would not be motivated by any teaching in the prior art to modify the Nelson system so that it created enhanced Web pages since such a modification (depending on how it was attempted) would either disable the Nelson System as disclosed or would only bulk-up the indexed Web pages without serving any useful purpose. Likewise, there is not teaching or suggestion in the prior art that metadata

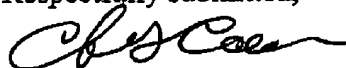
describing multimedia Web page components can be usefully obtained from the operating system that provides access to those components as set forth in claim 6.

It is accordingly submitted that the Examiner has to establish that the invention set forth in independent claims 1, 8 and 10 and in dependent claim 6 would have been obvious to one of ordinary skill in the art. The Examiner's final rejection of claims 1, 8 and 10, and of claim 6, as being obvious in view of Nelson should be reversed.

Claims appendix

An appendix containing a copy of the claims involved in the appeal is attached.

Respectfully submitted,



Charles G. Call, Reg. 20,406

Dated: September 24, 2005

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this *Appellants' Brief* is being transmitted by facsimile to the central facsimile number of the U.S. Patent and Trademark Office, (703) 872-9306, on September 24, 2005

Dated: September 24, 2005

Signature



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CLAIMS APPENDIX

1. Apparatus for indexing a Web page which incorporates multimedia data by reference to one or more resources which supply said multimedia data, said method comprising, in combination:

means for analyzing said web page to identify at least one markup tag containing a reference to a given one of said resources,

means for selecting and executing a media processing program for analyzing the content of the multimedia data supplied by said given one of said resources to generate metadata describing said content,

means for formatting said metadata into a character-based text annotation,

means for combining said Web page and said annotation to form an enhanced Web page, and

means for indexing said enhanced Web page.

2. Apparatus as set forth in claim 1 wherein said means for selecting and executing a media processing program comprises means for determining the particular data type of the multimedia data supplied by said given resource and means for selecting a processing program for analyzing multimedia data formatted in accordance with said particular data type.

3. Apparatus as set forth in claim 1 wherein said means for formatting said metadata comprises means for generating a text data annotation expressed in accordance with the Extensible Markup Language.

4. Apparatus as set forth in claim 1 including means for acquiring additional metadata which describes the multimedia data supplied by said given one of said resources from a source other than the content of said multimedia data, and means for including said additional metadata in said character-based text annotation.

5. Apparatus as set forth in claim 4 wherein at least some of said additional metadata

includes information obtained from said one markup tag.

6. Apparatus as set forth in claim 4 wherein said given resource is accessed through the operating system of a computer which provides said given resource and wherein at least some of said additional metadata includes information obtained from said operating system.

7. Apparatus as set forth in claim 4 wherein at least some of said additional is obtained via the Internet.

8. Apparatus for collecting and storing metadata describing a hypertext Web page, said Web page including markup tags which identify multimedia data from one or more different external resources, said apparatus comprising, in combination,

a parser for identifying said markup tags in said Web page,

processing means for analyzing the content of said multimedia data identified by said markup tags to generate metadata describing said multimedia data,

means for translating said metadata into a character-based text annotation describing said multimedia data, and

means for storing the combination of a copy of said Web page and said annotation to form an enhanced Web page suitable for processing by text-based indexing and searching facilities.

9. Apparatus as set forth in claims 8 wherein said text annotation is expressed in the Extensible Markup Language.

10. The method of automatically enhancing the content of a Web page which contains multimedia data incorporated by reference which comprises, in combination, the steps of:

- identifying one or more markup tags in said Web page which respectively identify one or more external resources which provide said multimedia data;
- generating metadata which describes said multimedia data,
- translating said metadata into a character-based text annotation, and
- inserting said annotation into said Web page to form an enhanced Web page suitable for processing by a character-based text processing system.

11. The method of automatically enhancing the content of a Web page as set forth in claim 10 wherein said step of identifying one or more markup tags comprises the steps of first identifying markup tags in said Web page and extracting the uniform resource locator (URL) of one of said external resources from at least selected ones of said markup tags.

12. The method of automatically enhancing the content of a Web page which contains multimedia data as set forth in claim 10 wherein said step of generating metadata includes the sub-steps of retrieving said multimedia data from said one or more external resources and analyzing the content of said multimedia data to extract said metadata therefrom.

13. The method of automatically enhancing the content of a Web page as set forth in claim 12 wherein said step of generating metadata comprises the sub-steps of identifying the data type of the multimedia data from each of said resources and then selecting a processing routine for multimedia of the identified data type from each of said resources.

14. The method of automatically enhancing the content of a Web page as set forth in claim 10 includes the further step of indexing said enhanced Web page to provide access to said Web page in response to queries expressing one or more attributes expressed in said text annotation.

15. The method of automatically enhancing the content of a Web page as set forth in claim 10 includes the further step of searching the content of said enhanced Web page in response to a search request to determine if attributes expressed in said search request are contained in said text annotation.

16. The method of automatically enhancing the content of a Web page as set forth in claim 13 includes the further step of indexing said enhanced Web page to provide access to said Web page in response to queries expressing one or more attributes expressed in said text annotation.

17. The method of automatically enhancing the content of a Web page as set forth in claim 13 includes the further step of searching the content of said enhanced Web page in response to a search request to determine if attributes expressed in said search request are contained in said text annotation.